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Supreme Court, U.S.
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OFFICE OF THE CLERK

No. 03-975

In The

Supreme Court of the United States

In re J. Patrick Lyons

Petitioner,

v.

Hon. Robert W. Ney, United States House of Representative; **Hon. John B. Larson**, United States House of Representative; **Hon. Bart J. Gordon**, United States House of Representative; and, **Matthew S. Peterson**, Attorney, United States House of Representatives, Committee on House Administration,

Respondents.

Petition for Rehearing Petition for an Extraordinary Writ Of Mandamus to the United States House of Representatives

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INTRODUCTION

1. **Supreme Court Rule 38. Fees.** Pursuant to Supreme Court Rule 38(b), the Rehearing fee of $200.00, is paid for the purpose of review by the **Supreme Court Justices**, not for review by office workers or law clerks.

2. **Supreme Court Rule 44. Rehearing:** Pursuant to Supreme Court Rule 44-2, Petitioner presents the following intervening circumstances of a substantial or controlling effect constituting extraordinary circumstances not previously presented which are: **Treason to the Constitution of the United States; Obstructing Justice; and the Constitutionality of Article VI, Section 3; Article I, Section 6, Clause 2; Amendment XIV, Section 3; and Amendment XX, Section 1 to the U. S. Constitution.**

a. **Supreme Court Rule 17.** Procedure in an Original Action: The processing of Petitioner's Original Action [03-975] invoking the Court's original jurisdiction under Article III of the Constitution of the United States, were not followed by this Court.

b. **Supreme Court letter dated 1 March 2004: Unsigned** Supreme Court letter dated 1 March 2004, provides the following **false official information:** "Dear Mr. Lyons: The Court today entered the following order in the above entitled case: **The petition for writ of mandamus is denied**." Said sentence "The petition for a writ of mandamus is denied", typed onto a sheet of paper with the Supreme Court of the United States Letter Heading does not constitute an **ORDER OF THE COURT.** However, the above referenced false official information does constitute **Treason to the Constitution** of the United States.

3. **Treason to the U. S. Constitution**: If in fact Petition Docket No. 03-975, was denied by the **nine** Justices of the Supreme Court of the United States as asserted by Supreme Court letter of 1 March 2004, said denial occurred outside of "open Court:" – thus, **Treason to the U. S. Constitution** is alleged to have taken place on the part of said U. S. Supreme Court Justices.

> "On March 3, 1821, Supreme Court of the United States Chief Justice **MARSHALL**, delivered the opinion of the Court in Cohens v. Virginia 6 Wheat, 264 (L. ED 257), stated among others: "It is true that this Court will not take jurisdiction if it should not; but is equally true, that it **must** take jurisdiction if it should. **The Judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution.** We cannot pass it by because it is doubtful. With whatever doubts, **with whatever difficulties,** a case may be attended, **we must decide it, if it be brought before us**. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. **The one or the other would be treason to the constitution.** Questions may occur which we would gladly avoid; **but we cannot avoid them.** All we can do is, to exercise our best judgment, and conscientiously to perform our duty . . "

a. **In support of Treason to Constitution**: Supreme Court of the United States Court Justices, position to allow **non-justices** of the Supreme Court

to make judicial **decisions** regarding violations of Article VI, Clause 3; Article I, Section 6, clause 2; Amendment XIV, Section 3; and, Amendment XX, Section 1; via an assignment of their constitutionally restricted **judicial duties to non-justices,** amounts to nothing less than **TREASON** to the Constitution of the United States. **No authority exists in the Constitution of the Unites States under which a Justice or Justices of the U.S. Supreme Court, may make a delegation of his/her judicial decision making authority to an office worker or law clerk.**

b. **Assignment of judicial decision making authority unconstitutional:** It may have become acceptable practice for the Justices of the Supreme Court of the United States to **assign their Constitution of the United States assigned decision making authority** to office workers or law clerks, however, nowhere is said assignment **permitted by the U. S. Constitution.**

REASONS FOR GRANTING PETITION FOR REHEARING

1. This Supreme Court of the United States, is not vested with Constitution of the United States authority to **not enforce** Article VI, Clause 3; Article I, Section 6, Clause 2; Amendment XIV, Section 3, and, Amendment XX, Section 1 to the Constitution of the United States.

2. **Obstructing Justice:** The Supreme Court Justices appears to sanction **"obstructing justice:"** committed by employees of the Supreme Court unknown to the Petitioner – **to perform judicial decision making duties** constitutionally restricted to Justices of the Supreme Court based on the fact that Petition for an Extraordinary Writ of Mandamus [03-975], was never before the Justices of the U. S.

Supreme Court [the word "**court**" refers to the Justices of the Supreme Court – and under **non-emergency conditions** operating in **OPEN COURT – not office workers or law clerks**], thus, was never acted upon by the **Court** as **falsely** asserted in Supreme Court Letter of 1 March 2004. The judicial decision to deny said Petition for an Extraordinary Writ of Mandamus, **[03--975]**, was made by **non-justices** of this Court.

3. **The Word "Court":** The word "**Court**", as used in Supreme Court Rule 17.1; 17.5; and 17.6, refers to the Chief Justice of the U. S. Supreme Court and such number of Associate Justices as may be fixed by Congress. Currently, a total of Nine Justices are assigned. Supreme Court letter of 1 March 2004, which directs: "The **COURT** today entered the following order in the above entitled case:, constitutes **a false official statement**, constituting **treason to the Constitution** of the United States. The issue of what constitutes "**treason to the Constitution:**" is articulately stated on March 3, 1821, by Supreme Court of the United States Chief Justice **MARSHALL**, via his deliverance of the opinion of the Court in Cohens v. Virginia, 6 Wheat, 264 (l. ED 257), which directs in part:

> "**The Judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution**. We cannot pass it by because it is doubtful. With whatever doubts, **with whatever difficulties, a case may be attended, we must decide it,** if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. **The one or the other would be treason to the constitution.**"

4. If in fact, the Justices of this Supreme Court did deny Petitioner's "Petition for an Extraordinary Writ of Mandamus," as asserted in Supreme Court letter dated 1 March 2004, pursuant to "Questions Presented", in Petitioner's Petition, said denial place Respondent Bart. J. Gordon, about the language contained in Article I, Section 6, Clause 2; Amendment XX, Section 1; and Amendment XIV, Section 3 of the Constitution of the United States. Also, placed said Respondent above the language contained in 18 U.S.C. Section 2383.

5. **Unconstitutional:** Laid before this Supreme Court is the question of whether the language contained in Article VI, Clause 3; Article I, Section 6, clause 2; Amendment XIV, Section 3; and Amendment XX, Section 1 to the U. S. Constitution is **unconstitutional**?

a. Should this **Court** on one hand issue an opinion declaring said language **is unconstitutional**, this Supreme Court is within **its U.S. Constitutional** assigned judicial powers to deny this Petition for Rehearing.

b. Should this **Court** on the other hand issue an opinion declaring said language **IS NOT unconstitutional**, this Supreme Court **must** grant Petitioner's "Petition for an Extraordinary Writ of Mandamus to the United States House of Representative – Committee on House Administration" based on the disqualification clauses contained in the preceding reference articles and amendments.

c. Should this **Court** pretend that the **constitutionality question** above was never presented to the Supreme Court, and not issue an opinion declaring said language **is constitutional OR unconstitutional** – then deny Petitioner's "Petition for an Extraordinary Writ of Mandamus to the United States House of Representatives – Committee on

House Administration will send the appearance that **the U.S. Constitution has become a "mockery"** or, the U. S. Supreme Court openly allows the legislative branch **to operate in direct opposition** to the Constitution of the United States.

CONCLUSION

Knowing that the **Oath** requirement set forth in Article VI, Clause 3, to the Constitution of the United States is applicable to the Justices of this Supreme Court – I, the Petitioner, wait with bated breath to whether this Court will or will not subject Respondent Bart J. Gordon, to the language contained in Article VI, Clause 3; Article I, Section 6, Clause 2; Amendment XIV, Section 3; and, Amendment XX, Section 1.

a. The late Supreme Court Justice **BLACKMON** once stated **"A Federal Bench is no place to win a popularity contest."** In 1821, Supreme Court Chief Justice **MARSHALL** issued an OPINION which states among others: **"Questions may occur which we would gladly avoid; but we cannot avoid them. All we can do is, to exercise our best judgment, and conscientiously to perform our duty . . . . ."** Cohens v. Virginia, 6 Wheat, 264 (L. ED. 257).

Respectfully submitted,

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